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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/648,575	08/25/2000	Brian D. Lesk	33081.0500	5787

7590 02/13/2004

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EXAMINER

NGUYEN, NGA B

ART UNIT	PAPER NUMBER
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3628

DATE MAILED: 02/13/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/648,575

Applicant(s)

LESK, BRIAN D.

Examiner

Nga B. Nguyen

Art Unit

3628

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 November 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This Office Action is the answer to the Amendment filed on November 22, 2003, which paper has been placed of record in the file.
2. Claims 3-6 have been added. Claims 1-6 are pending in this application.

Response to Arguments/Amendment

3. Applicant's arguments with respect to claims 1-6 have been considered but are moot in view of new grounds of rejection.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Freund et al (hereinafter Freund), U.S. Patent No. 6,505,250.

Regarding to claim 1, Freund discloses a system for administering employee funds, system comprising:

at least one access point configured to interface with an employee, the employee associated with a worksite employer having an obligation to remit employee funds to the employee (column 4, lines 45-57, employee uses ATM as access point to access his

bank account; employer associated with the employee remits monthly salary to the employee's bank account);

a personal financial service provider configured to communicate with worksite employer and at least one access point over a network, said personal financial service provider including a data center configured to store financial data associated with the employee (column 4, lines 45-57, the bank communicates with the employee via ATM, the bank also communicate with employer to perform well known direct deposit process, it is inherent that the communication is performed over the banking network), wherein said personal financial service provider is configured to electronically receive the employee funds directly from worksite employer (column 4, lines 54-57, the bank electronically receives the employee funds from the worksite employer by direct deposit) and to electronically disburse the employee funds to third parties (column 4, lines 61-65, the bank performs direct debit to disburse the employee funds to the third parties, e.g. electricity company that supplies electricity to the employee) prior to allowing the employee to disburse funds via access point (column 5, lines 25-32, 32);

Freund does not disclose the personal financial service provider configured to electronically receive a fee from the worksite employer, wherein the fee is responsive to the disbursement of the employee funds. However, the bank charges a fee for performing service on behalf of a third party is well known in the art. Therefore, it would have been obvious to incorporate the feature above with Freund's for the purpose of allowing the bank makes profit by collecting service fee when performing service on behalf of a third party.

Regarding to claim 2, Freund further discloses third parties are configured to communicate with at least one access point and personal financial service provider, and wherein at least one of third parties provides goods or services payable via personal financial service provider at the direction of the employee (column 4, lines 61-65).

Regarding to claim 3, Freund does not disclose the fee is a percentage of a gross payment amount associated with the employee. However, charging a fee based a percentage of a gross payment amount is well known in the art. Therefore, it would have been obvious to include this feature with the modified Freund's above for the purpose of providing more easier for calculating the service fee.

Regarding to claim 4, Freund does not disclose the personal financial service provider pays, for employee, federal taxes associated with the employee funds. However, the bank pay on behalf of the customer to a third party is well known in the art. For example, many financial institutions allow their customer to pay bill to a third party provider by automatically direct debit from the customer account. Therefore, it would have been obvious to include this feature with the modified Freund's above for the purpose of paying the federal taxes for the employee.

Regarding to claim 5, Freund does not disclose wherein the personal financial service provider provides loan services to the employee via the at least one access point. However, providing loan service to the user via the access point is well known in the art. Today, there exist many different financial institution provides loan service to the user over the Internet, the user can access the Internet to apply for a loan. Therefore, it would have been obvious to include this feature with the modified Freund's above for

the purpose of time consuming because the user does not spend more time go to the bank applying for a loan.

Regarding to claim 6, Freund does not disclose wherein the at least one access point includes a Web-based interface. However, accessing banking information over the Internet is well known in the art. Today, there exists many financial institutions allow their customers to access on-line banking information over the Internet. Therefore, it would have been obvious to include this feature with the modified Freund's above for the purpose of providing more convenient for the user to access to his banking information.

Conclusion

6. Claims 1-6 are rejected.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner Nga B. Nguyen whose telephone number is (703) 306-2901. The examiner can normally be reached on Monday-Thursday from 9:00AM-6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hyung S. Sough can be reached on (703) 308-0505.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 306-1113.

8. Any response to this action should be mailed to:

Application/Control Number: 09/648,575
Art Unit: 3628

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Commissioner of Patents and Trademarks

C/o Technology Center 3600

Washington, DC 20231

Or faxed to:

(703) 872-9326 (for formal communication intended for entry),

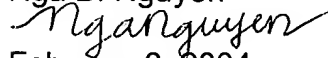
or

(703) 308-3691 (for informal or draft communication, please label

"PROPOSED" or "DRAFT").

Hand-delivered responses should be brought to Crystal Park 5, 2451 Crystal
Drive, Arlington, VA, Seventh Floor (Receptionist).

Nga B. Nguyen



February 6, 2004